

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ISABEL TERESA FERNANDEZ JENKINS, as	:	
Next of kin of MYKEL D. JENKINS (Deceased),	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Civil Action No. 1:22-cv-69
	:	
CITY OF CHATTANOOGA, CHATTANOOGA	:	
POLICE DEPARTMENT, JOHN DOE 1, JOHN	:	
DOE 2, JOHN DOE 3, and JOHN DOE 4, in their	:	
Official capacities as agents for the Chattanooga	:	
Police Department,	:	
	:	
Defendants.	:	

MOTION TO EXTEND DISPOSITIVE MOTION DEADLINE

Come now, the Defendants, City of Chattanooga, City of Chattanooga Police Department, John Doe 1, John Doe 2, John Doe 3, and John Doe 4, in their official capacities as agents for the Chattanooga Police Department (collectively “Defendants”), by and through their attorneys of record pursuant to *Rule 16 of the Federal Rule of Civil Procedure* and respectfully move this Court to extend the dispositive motion deadline in this matter. In Support of this Motion, Defendants would submit the following:

1. The Scheduling Order entered by Judge Corker on July 7, 2022, set several deadlines for discovery and dispositive motions in this matter.
2. The dispositive motion deadline is Monday, September 11, 2023.
3. Defendants took Ms. Jenkins’ deposition by agreement on or about August 10, 2023. As of the date of filing this motion, Defendants have not yet received a transcript of Ms. Jenkins’ deposition. The transcript of Ms. Jenkins’ deposition is

necessary to complete the Motion for Summary Judgment as well as the memorandum of law that accompanies the Motion.

4. In addition, Plaintiff has taken three (3) depositions: those of David Roddy, Lt. Toby Hewitt and Blake Martin. These transcripts are also necessary to prepare the Summary Judgment pleadings. Defendants are currently waiting on all three transcripts, and anticipate receiving them by early next week.
5. One counsel for the defense is no longer employed by the City of Chattanooga, and the remaining defense counsel have experienced abnormally hectic trial, deposition, and discovery calendars during the past three (3) weeks and have been unable to adequately prepare and draft the motion for summary judgment, memorandum of law, and other supporting documentation.
6. Defendants would state that Plaintiff will not be prejudiced by a short extension of the dispositive motion deadline to allow adequate time for filing dispositive motions. As this matter is currently scheduled for trial on January 8, 2024.
7. Defendants respectfully request a brief extension of the dispositive motion deadline currently on September 11, 2023 until October 2, 2023.

Respectfully submitted,

CITY OF CHATTANOOGA, TENNESSEE
OFFICE OF THE CITY ATTORNEY

By: s/ Phillip A. Noblett

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Mr. Robert Davis
Davis, Kessler & Davis
433 Cherokee Boulevard
Chattanooga, TN 37405

This 8th day of September, 2023.

s/ Phillip A. Noblett

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